

REMARKS

Claims 1-23 are currently pending in this reissue application. Advanced Innoventions, Inc., as Assignee, added new claims 2-23 in view of the original patent being wholly or partly inoperative by reason of the patentee claiming more or less than he had the right to claim.

In the Office Action of June 26, 2003, the Examiner rejected claims 2-23 contending that they attempt to recapture subject matter surrendered during prosecution of the parent '505 application. The Examiner also states that "[I]n order to overcome the recapture issue, the reissue claims must contain at least one of the limitations as argued for patentability in the '505 application." While the applicant disagrees that such an application of the recapture rule is appropriate in this circumstance, the applicant has amended claim 2 of the reissue application to include a limitation argued for patentability in the '505 application.

In particular, one of the 6 reasons argued for patentability in the July 17, 1997 response in the '505 application was:

Pearson's link members 13 do not link adjacent chain members as do Applicant's link members. Pearson has two types of chain members 14 and 15 which alternate along the chain. The link members of Pearson extend over and span his chain members of type 15 to link successive chain members which are not adjacent to each other. He does not link a type 14 chain member to an adjacent type 15 member.

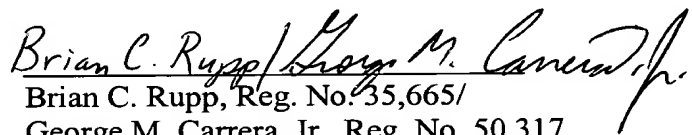
(response in '505 application, filed July 17, 1997, paper number 6, page 8, emphasis in original). In other words, one of the reasons argued for patentability in the parent application is that the link members of the invention link adjacent members, in contrast to the teaching of Pearson which link members that are not adjacent to each other.

By the present amendment to claim 2, the invention is now defined to contain such a feature as argued for patentability in the '505 application. Namely, claim 2 now requires that

“adjacent ones of said chain and knife members are linked to one another by one of said link members.” Accordingly, as suggested by the Examiner, the reissue claims now contain the limitations identified above as argued for patentability in the ‘505 application. A similar amendment has been made to independent claim 11 as well. Support for these amendments is found in U.S. Patent No. 5,845,474, issued from the ‘829 application (col. 6, lines 5-8; Fig. 2).

Applicant submits that in view of the foregoing, all outstanding issues have been addressed in the application and reconsideration and allowance is respectfully requested. The undersigned invites the Examiner to call to address any remaining issues for allowance.

Respectfully submitted,


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In re Appln. of Loftus
Application No. 09/541,162

Certification under 37 C.F.R. § 1.10

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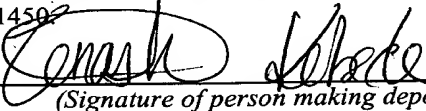
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Date of Deposit

I hereby certify that the attached AMENDMENT, including any documents or materials referred to thereon as enclosures or attachments, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Zenash S. Kebede

(Typed or printed name of person making deposit)


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